

8-24-01

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jc882 U.S. PTO  
08/23/01

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No: VEN 001-00-01

jc896 U.S. PTO  
09/035929  
08/23/01

**CONTINUING APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)**

Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request under 37 CFR 1.53 for filing a

- ☒ continuation application.
- ☐ divisional application.

**1. Particulars of Prior Application**

Application Serial No: 09/378,420

Filed on: August 20, 1999

Title: METHODS FOR IDENTIFYING,  
CHARACTERIZING, AND EVOLVING CELL-  
TYPE SPECIFIC CIS REGULATORY  
ELEMENTS

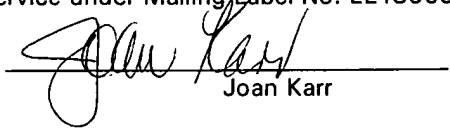
Art Unit: 1642

Examiner: Rawlings, S.

Prior Docket No.:

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this Continuing Application Transmittal Under 37 CFR 1.53(b) and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on August 23, 2001, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EL485594025US.

  
Joan Karr

09035929-082301

2. This request is filed by:

1. Full Name of Inventor	Family Name Kamb	First Given Name Carl	Second Given Name Alexander
Residence & Citizenship	City Salt Lake City	State or Foreign Country Utah	Country of Citizenship U. S. A.
Post Office Address	Post Office Address 696 Donner Hill Circle	City Salt Lake City	State & Zip Code/Country Utah 84108
2. Full Name of Inventor	Family Name	First Given Name	Second Given Name
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
Post Office Address	Post Office Address	City	State & Zip Code/Country

- ☐ This application is being filed by less than all the inventors named in the prior application. An accompanying statement requests deletion of the name(s) of the person(s) who are not inventors of the invention being claimed in this application.

09/378,420-002304

**3. Amendments**

- X Amend the specification by inserting before the first line the sentence:  
--This is a Continued Prosecution Application (CPA) of U.S. application Serial No.  
09/378,420, filed August 20, 1999.  
Cancel claims in the prior application before calculating the filing fee.  
A Preliminary Amendment is enclosed.
- ☐ The filing fee is based upon entry of the foregoing amendment(s) (if any).
- X Pending Claims as amended on January 29, 2001.

**4. Copy of Prior Application**

- X The enclosed is a copy of the prior complete application, including the specification (with original claims), drawings, the oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application.

**5. Incorporation By Reference**

- X The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 4, above, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

**6. Priority**

- ☐ Priority of application No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 USC 119.
- ☐ The certified copy(ies) was(were) filed in prior U.S. application Serial No. \_\_\_\_\_.
- ☐ The certified copy(ies) has(have) not been filed.

**7. Assignment**

The prior application is assigned of record to , and has been recorded at Reel No. 011830, Frame No. 0871.

**8. Small Entity Status**

- X Applicant claims small entity status. See 37 CFR 1.27.
- X A small entity statement is(are) attached.

9. Application to B Published

- ☒ Yes.
- ☐ No. A Request and Certification Under 35 U.S.C. §122(b)(2)(B)(i) is attached.

10. Fee Calculation

CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$355.00		\$710.00
TOTAL	13 -20	0 =	X 9 =	\$ 0	X 18 =	\$
INDEP.	1 - 3	0 =	X 40 =	\$ 0	X 80 =	\$
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 135 =	\$	+ 270 =	\$
Filing Fee:				\$355.00	OR	\$

11. Method of Payment of Fees

Attached is a check in the amount of: \$ \_\_\_\_\_

X Charge Deposit Account No. 501015 in the amount of: \$355.00

X A copy of this Transmittal is enclosed.

12. Deposit Account and Refund Authorization

X The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 to Deposit Account No. 501015. A copy of this Transmittal is enclosed.

X Please refund any overpayment to Account No. 501015.

13. Correspondence Address

Respectfully submitted,

McCutchen, Doyle, Brown & Enersen, LLP  
Three Embarcadero Center  
San Francisco, California 94111

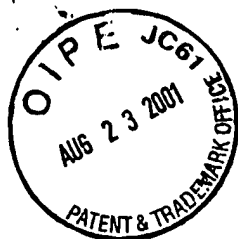
By: 

Laura A. Handley

Registration No. 39,704

August 23, 2001

09935929-082301



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventors: Carl Alexander Kamb

Serial No: 09/378,420

Filed: August 20, 1999

For: METHODS FOR IDENTIFYING,  
CHARACTERIZING, AND  
EVOLVING CELL-TYPE SPECIFIC  
CIS REGULATORY ELEMENTS

Group Art Unit: 1642  
Examiner: Rawlings, S.

Certificate of Mailing/Transmission( 37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

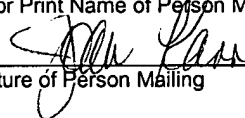
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FACSIMILE

[ ] transmitted by facsimile to the Patent and Trademark Office

Date: August 23, 2001

Type or Print Name of Person Mailing: Joan Karr

  
Signature of Person Mailing

JC996 U.S. PTO  
09/935929  
08/23/01

RESPONSE TRANSMITTAL LETTER

Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

In response to the Office Action mailed on February 27, 2001, enclosed herewith for filing are the following:

\_\_\_\_ Response to Restriction Requirement Under 37 U.S.C. § 121.  
\_\_\_\_ Preliminary Amendment Under 37 C.F.R. § 1.115.  
\_\_\_\_ Amendment and Response Under 37 C.F.R. § 1.111.  
\_\_\_\_ Revocation of Power of Attorney and Appointment of New Attorney  
\_\_\_\_ Amendment after Final Action Under 37 C.F.R. § 1.116  
 X  Request for Extension of Time to File Response Under 37 C.F.R. § 1.136(a).

X  The Commissioner is hereby authorized to charge Deposit Account No. 501015 in the amount of \$455.00, calculated as follows:

\_\_\_\_ \$55.00/\$110.00 for response within first month.  
\_\_\_\_ \$195.00/\$390.00 for response within second month.  
 X  \$455.00/\$890.00 for response within third month.  
\_\_\_\_ \$695.00/\$1,390.00 for response within fourth month.  
\_\_\_\_ Fee for additional claims (see below for calculation).

0935929-082301

X

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. Sections 1.16-1.17 or to credit any overpayment, to Deposit Account No. 501015. This sheet is filed in duplicate.

### Fee-Calculation

Claims:

					Small Entity		OTHER	
					Rate	Fee	Rate	Fee
Basic Fee	Current Claims		Highest Previous			\$355.00		\$710
Total Claims		-		=	x 9	\$	x 18	\$
Indep. Claims		-		=	x 39	\$	x 78	
Multiple Dependent Claim(s)					+ 130	\$	+ 260	\$
					TOTAL	\$	TOTAL	\$

Please address all **TELEPHONIC** communication to **Laura A. Handley**, the undersigned attorney of **Arcaris, Inc.**, at (801) 303-0304.

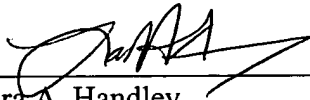
Please address all **WRITTEN** correspondence regarding this communication to the following address:

Michael Shuster  
McCutchen, Doyle, Brown & Enersen, LLP  
Three Embarcadero Center  
San Francisco, California 94111  
(415) 393-2000

Date: August 23, 2001

Respectfully submitted,

By:

  
\_\_\_\_\_  
Laura A. Handley  
Registration No. 39,704

Arcaris, Inc.  
615 Arapeen Drive, Suite 300  
Salt Lake City, Utah 84108  
Telephone: (801) 303-0300  
Telefax: (801) 303-0333

003399-6269660

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1c996 U.S. PTO  
09/935929



In re Application of:

Assignee: Arcaris, Inc.

Inventors: Carl Alexander Kamb

Application No: 09/378,420

Filed: August 20, 1999

For: METHODS FOR IDENTIFYING,  
CHARACTERIZING, AND EVOLVING  
CELL-TYPE SPECIFIC CIS  
REGULATORY ELEMENTS

Group Art Unit: 1642  
Examiner: Rawlings, S.

**Certificate of Mailing/Transmission( 37 C.F.R. § 1.8(a))**

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date shown below, being:

**MAILING**

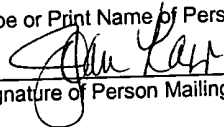
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**FACSIMILE**

[ ] transmitted by facsimile to the Patent and Trademark  
Office

Date: August 23, 2001

Type or Print Name of Person Mailing: Joan Karr

  
Signature of Person Mailing

**REQUEST FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 (a)**

Assistant Commissioner for Patents  
Washington, D. C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.136 (a), Applicant hereby petitions for a three-month  
~~extension of time to respond to the Office Action mailed February 27, 2001. This is to authorize~~  
you to deduct \$455.00 from our Deposit Account No. 501015 for the extension fee pursuant to  
37 C.F.R. § 1.17(a).

A Continuation under 37 C.F.R. § 1.53 is being filed simultaneously herewith.

**Please address all TELEPHONIC communication to Laura A. Handley, the  
undersigned attorney of Arcaris, Inc., at (801) 303-0304.**

Please address all **WRITTEN** correspondence regarding this communication to the  
following address:

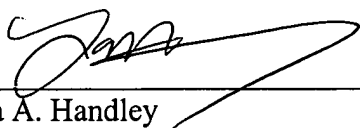
Michael Shuster  
McCutchen, Doyle, Brown & Enersen, LLP  
Three Embarcadero Center  
San Francisco, California 94111  
(415) 393-2000



Date: August 23, 2001

Respectfully submitted,

By: \_\_\_\_\_

  
Laura A. Handley  
Registration No. 39,704

Arcaris, Inc.  
615 Arapeen Drive  
Suite 300  
Salt Lake City, Utah 84108  
Telephone: (801) 303-0300  
Telefax: (801) 303-0333